

# Board of Contract Appeals

General Services Administration  
Washington, D.C. 20405

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October 26, 2000

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GSBCA 15359-RELO

In the Matter of CHARLIE ROGERS

Charlie Rogers, Fort Leonard Wood, MO, Claimant.

Maj. Gen. Robert B. Flowers, Commanding, Army Maneuver Support Center and Fort Leonard Wood, Department of the Army, Fort Leonard Wood, MO, appearing for Department of the Army.

**GOODMAN**, Board Judge.

Claimant, Charlie Rogers, is a civilian employee of the Department of the Army. He is requesting a review of the agency's denial of an extension of time for temporary storage of his household goods (HHG).

In October 1998 claimant received transition travel orders from his duty station of Fort McClellan, Alabama, to a new permanent duty station at Fort Leonard Wood, Missouri, with a report date of July 18, 1999. On November 30, 1998, he put his home on the market. Claimant received a full price offer for purchase on March 1, 1999, with a closing and occupancy date of March 30, 1999.

On February 27, 1999, claimant's travel orders were amended, changing his report date to September 26, 1999. He did not receive these orders until March 3, 1999 -- after he had already signed the contract for sale of his house. In order to meet the contract terms, his HHG were packed and shipped from Fort McClellan on March 30, 1999, and arrived at Fort Leonard Wood on April 6, 1999.

As of April 1, 1999, claimant assumed the position of Chief of the Chemical and Military Police School's International Military Student Office and Primary Hand Receipt Holder for both offices. Claimant had to remain at Fort McClellan until the class graduated on August 13 and all international students and family members departed. Claimant was also responsible for the final shipment of hand receipt items on September 15, 1999.

Claimant states that as the result of the sale of his house and the changing of his report date, he had no choice but to move his family into temporary housing which required a six month lease through September 30, 1999. In June he was granted a ninety-day extension of

time for storage of HHG. The authorization for storage of HHG at Government expense expired on October 2, 1999.

Because he was unable to find suitable housing in Missouri, claimant contracted to have a house built for his residence there. He alleges that due to construction delays, the house was not completed until November 25, 1999. He therefore requested an extension of an additional sixty days for temporary storage of his HHG, which was denied by the agency.

### Discussion

Agencies are authorized to pay the expenses for temporarily storing a transferred employee's household goods. Although the time limit for temporary storage is generally ninety days, agencies, may, under certain circumstances, approve an extension of the time limit for up to an additional ninety days. Agencies are not permitted to pay for temporary storage for more than 180 days. 5 U.S.C. § 5724(a)(2) (1994). The relevant regulation reads as follows:

Temporary storage time limit. The time allowable for temporary storage in connection with an authorized shipment of household goods shall not exceed a period of 90 days. . . . However, upon an employee's written request, the initial 90-day period may be extended an additional period not to exceed 90 days under certain conditions if approved by the agency head or his/her designee. Justification for an additional storage period may include, but is not limited to, the following reasons:

- (1) An intervening temporary duty or long-term training assignment;
- (2) Nonavailability of suitable housing;
- (3) Completion of residence under construction;
- (4) Serious illness of employee or illness or death of a dependent; or
- (5) Strikes, acts of God, or other circumstances beyond the control of the employee.

41 CFR 302-8.2(d) (1998).

We recognize claimant's position that the additional amount of time requested for storage of his HHG would not have been necessary but for the change in his report date and his previous sale of his residence, which required that he remove his HHG to temporary storage. However, the amendment of his travel orders which changed his report date also extended the time for temporary storage of HHG for an additional ninety days to the maximum of 180 days allowed by statute and regulation. Accordingly, there is no basis for granting claimant the additional extension of time for temporary storage he requests. The claim is denied.

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ALLAN H. GOODMAN  
Board Judge